



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,526	09/19/2003	Linda Owens Narhi	02-274-A	5581
20306	7590	12/28/2006	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			XIE, XIAOZHEN	
300 S. WACKER DRIVE			ART UNIT	PAPER NUMBER
32ND FLOOR			1646	
CHICAGO, IL 60606				
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	12/28/2006		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/665,526	NARHI ET AL.
	Examiner	Art Unit
	Xiaozhen Xie	1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 October 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4, 15-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 15-17 and 19-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

Applicant's amendments of the specification and the claims received on 19 October 2006 have been entered.

Claims 5-14 and 18 have been cancelled. Claims 1-4, 15-17 and 19-21 are pending and under examination. The text of those sections of Title 35, U.S. Code, not included in this action can be found in a prior office action.

Specification/Drawings

The objection to the specification for failing to update cross-reference to related applications is withdrawn in response to Applicant's amendment of the specification.

The objection to the drawings/figures for containing Figures which consist only of nucleic acid or protein sequences, is withdrawn in response to Applicant's arguments.

Claim Objections Withdrawn

The objection to claim 1 for reciting non-elected inventions is withdrawn in response to Applicant's amendment of the claim.

Claim Rejections Maintained

Claims 1-4, 15-17, 19-21 remain rejected under 35 U.S.C. 102(e) as being anticipated by Ruben et al. (U.S. Patent No: 6,077,692, which has a provisional filing date on 13 August 1996) for reasons set forth in the previous office action (19 April 2006).

Applicant argues that since Applicant has not had access to the U. S. Provisional Application Nos: 60/039,045 (the '045 application, filed 13 February 1996) and 60/023,852 (the '852 application, filed 13 August 1996), and U. S. Application No: 08/461/195 (the '195 application, filed 7 June 1995), Applicant requests that the Examiner make a determination as to whether a KGF-2 polypeptide consisting of residues 65-208 of the KGF-2 protein is disclosed in the '045, '082, or '195 applications. Applicant argues that in absence of such a determination, the '692 patent is only entitled to the filing date of U. S. Application NO: 09/023,082 (the '082 application, filed 13 February 1998).

Applicant's arguments have been fully considered but have not been found to be persuasive.

A determination has been made in the previous office action, and a KGF-2 polypeptide consisting of residues 65-208 of the KGF-2 protein is disclosed by Ruben et al. (U.S. Patent No: 6,077,692) in the priority filing on 13 August 1996 (i.e., the '852 application).

Applicant may request access to the provisional application from the U. S. Patent Office following the procedures set forth in 37 C.F.R. 104(D).

Conclusion

NO CLAIM IS ALLOWED.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiaozhen Xie whose telephone number is 571-272-5569. The examiner can normally be reached on M-F, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary B. Nickol, Ph.D. can be reached 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Xiaozhen Xie, Ph.D.
December 18, 2006


EILEEN B. O'HARA
PRIMARY EXAMINER